

BILL NO. S-73-02-22 Amended

SPECIAL ORDINANCE NO. S- 52-73

AN ORDINANCE approving Agreement with  
BERCOT, INC. for construction of the  
Neuhaus Ditch Sanitary Sewer.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. The Sewer Agreement dated July 10, 1972  
between BERCOT, INC. as Developer, and the CITY OF FORT WAYNE,  
by and through its Mayor and Board of Public Works, for the  
construction of a sanitary sewer in the Neuhaus Ditch area,  
as follows:

Branch Sewer

Beginning at an existing chamber located 148 + L.F. South  
and 50 + L.F. West of the Southeast corner of Northeast  
1/4 of Southwest 1/4 of Section 27; thence, turning an  
interior angle of 63° 52' and project a distance of 220  
+ L.F. West; thence, turning South and projecting a dis-  
tance of 347 feet; thence, turning an angle of 131° 34'  
South and project a distance of 491 feet; thence, turning  
an angle of 149° 35' and projecting a distance of 1,174  
feet; thence, turning an angle of 156° and projecting a  
distance of 384 feet terminating at a proposed manhole.

Lateral #1

Beginning at a new manhole located 28 + L.F. of the North  
right of way of Goshen Road (U.S. Hwy. #33); thence,  
Northwesterly along said North right of way a distance  
of 3,218 + L.F. terminating at a proposed manhole,

Lateral #1-A

Beginning at a new manhole located 36 + L.F. South of the  
Northeast corner of the right of way intersection of  
Harris and Goshen Roads; thence, North along the east  
right of way of Harris Road a distance of 1,200 + L.F.  
terminating at a proposed manhole.

Lateral #2

Beginning at new manhole located 27 + L.F. North and  
8 + L.F. West of the Southwest corner of Lot #1 in Crest-  
wood Addition Amended; thence, turning an angle to the  
North of 73° and projecting a distance of 450 feet to  
the right of way of Butler Road; thence, Northeasterly  
along the South right of way of Butler Road for a distance  
of 1,034 feet terminating at a proposed manhole.

Lateral #2-A

Beginning at a new manhole located 15 feet North and 5  
feet East of the centerline intersection of Butler Road

1  
2  
3 and Butler Court; thence, Northwesterly along the East  
4 right of way of Butler Court a distance of 1,094 ± L.F.  
terminating at a proposed manhole.

5 Said sewers shall be 27, 10 and 8 inches in diameter.

6 All located in the Southwest 1/4 Section 27, Township  
7 31 North, Range 12 East.

8 the total cost of said sewer to be \$217,773.65, the City's share  
9 of the project to be approximately \$140,571.65 with the balance  
10 to be paid by the property owners, all as more particularly set  
11 forth in said Sewer Agreement, which is on file in the office of  
12 the Board of Public Works, and is by reference incorporated herein  
13 and made a part hereof, is hereby in all things ratified, con-  
14 firmed and approved.

15 SECTION 2. Incorporated by reference in this Ordinance and  
16 made a part hereof and marked Exhibit "A", the same as if herein  
17 recited, is a letter from the Board of Public Works addressed to  
18 Mr. James S. Stier, Chairman of the Public Works Committee and  
19 dated April 30, 1973. All statements contained in said letter  
20 of April 30, 1973, marked Exhibit "A", are enacted in this Ordinance.

21 SECTION 3. That the developer, and any owner or owners  
22 of land, their successors in title and assigns, which is now or  
23 may hereafter be located outside the corporate limits of the City  
24 of Fort Wayne, Indiana, who taps into the sewer main covered in  
25 said Agreement, or any extension thereof, shall be deemed to  
26 thereby waive his, her, their or its right to remonstrate against  
27 or otherwise object to, interfere with, or oppose any pending or  
28 future annexation by said City of Fort Wayne, Indiana, of such  
land or territory in which said land is located.

29 SECTION 4. This Ordinance shall be in full force and  
30 effect from and after its passage and approval by the Mayor.

31  
32   
\_\_\_\_\_  
Councilman

33 Approved as to form and legality  
34 this \_\_\_\_ day of \_\_\_\_\_, 1973.

35 \_\_\_\_\_  
City Attorney

Read the first time in full and on motion by Stein, seconded by Jelenc, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and ~~Public Hearing to be held after due legal notice,~~ at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 2-27-73

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Stein, seconded by Jelenc, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 5/8/73

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. A-52-73 on the 8th day of May, 1973.

ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Winifred C. Mayo JR.  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of May, 1973, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 15th day of May, 1973, at the hour of 3:00 o'clock P. M., E.S.T.

Earl H. Lehman  
MAYOR

Bill No. S-73-02-22 (AMENDED)

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
approving Agreement with BERCOT, INC. for construction of  
the Neuhaus Ditch Sanitary Sewer.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

*James S. Stier*  
*Eugene Kraus, Jr.*  
*Samuel J. Talarico*  
*William T. Hinga*  
*Vivian G. Schmidt*

CONCURRED IN

DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK



## THE CITY OF FORT WAYNE

board of public works

April 30, 1973

Mr. James S. Stier  
Chairman, Public Works Committee  
3404 Congress Avenue  
Fort Wayne, Indiana 46806

Subject: Neuhaus Ditch Sanitary Sewer, Resolution 853

Dear Councilman Stier:

Pursuant to your request, this Board has re-evaluated the proposed assessments for the individual properties on the above captioned project. We have just been furnished definitive flood plain data for those areas along the Spy Run Creek. Review of this reflects original assumptions regarding areas within the flood plain were erroneous.

In view of this and other additional information received by this Board, we have determined the following properties will have their assessments adjusted as noted:

A. Peter Papagiannis	\$19,500 to \$6,500
B. Thomas Ember	\$ 7,500 to \$1,000
C. Wendell Harris	\$12,500 to \$4,500
D. Finally Corporation	\$ 6,000 to \$4,000
E. Fort Wayne Musicians Protective Foundation	\$ 8,000 to \$5,000

These adjustments will be given on the following conditions:

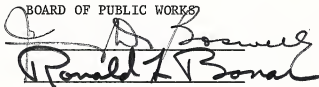
1. Papagiannis, Ember and Finally Corporation will withdraw from the present litigation on the above captioned project and agree to refrain from any additional litigation regarding the sewer, assessment or related easements.
2. It is understood if at any time in the future those properties listed under A, B and C are developed, the owner or developer at that time shall pay the difference between the proposed and the adjusted assessments.

Mr. James S. Stier  
April 30, 1973  
Page Two

3. The Fort Wayne Musicians Protective Foundation shall furnish this Board with a copy of the letter to them from the City Department stating sanitary sewers were not planned for their neighborhood for ten years which caused them to install elaborate septic tank-filter bed facilities. An affidavit to this effect will be acceptable if the letter is unavailable.

Sincerely,

BOARD OF PUBLIC WORKS

A handwritten signature in dark ink, appearing to read "Ronald L. Bonal", is written over a horizontal line. The signature is stylized with a large initial "R" and a long, sweeping tail.

---

irs

cc: Mayor Lebamoff

BILL NO. S-73-02-22

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

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Beginning at an existing chamber located 148 + L.F. South  
and 50 + L.F. West of the Southeast corner of Northeast  
1/4 of Southwest 1/4 of Section 27; thence, turning an  
interior angle of 63° 52' and project a distance of 220  
+ L.F. West; thence, turning South and projecting a dis-  
tance of 347 feet; thence, turning an angle of 131° 34'  
South and project a distance of 491 feet; thence, turning  
an angle of 149° 35' and projecting a distance of 1,174  
feet; thence, turning an angle of 156° and projecting a  
distance of 384 feet terminating at a proposed manhole.

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right of way of Goshen Road (U.S. Hwy. #33); thence,  
Northwesterly along said North right of way a distance  
of 3,218 + L.F. terminating at a proposed manhole.

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Beginning at a new manhole located 36 + L.F. South of the  
Northeast corner of the right of way intersection of  
Harris and Goshen Roads; thence, North along the East  
right of way of Harris Road a distance of 1,200 + L.F.  
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Beginning at a new manhole located 27 + L.F. North and  
8 + L.F. West of the Southwest corner of Lot #1 in Crest-  
wood Addition Amended; thence, turning an angle to the  
North of 73° and projecting a distance of 450 feet to  
the right of way of Butler Road; thence, Northeasterly  
along the South right of way of Butler Road for a distance  
of 1,034 feet terminating at a proposed manhole.

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Beginning at a new manhole located 15 feet North and 5  
feet East of the centerline intersection of Butler Road

and Butler Court; thence, Northwesterly along the East right of way of Butler Court a distance of 1,094 ± L.F. terminating at a proposed manhole.

Said sewers shall be 27, 10 and 8 inches in diameter.

All located in the Southwest 1/4 Section 27, Township 31 North, Range 12 East.

the total cost of said sewer to be \$217,773.65, the City's share of the project to be approximately \$140,571.65 with the balance to be paid by the property owners, all as more particularly set forth in said Sewer Agreement, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That the developer, and any owner or owners of land, their successors in title and assigns, which is now or may hereafter be located outside the corporate limits of the City of Fort Wayne, Indiana, who taps into the sewer main covered in said Agreement, or any extension thereof, shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by said City of Fort Wayne, Indiana, of such land or territory in which said land is located.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Councilman

APPROVED AS TO FORM  
AND LEGALITY.

  
\_\_\_\_\_  
CITY ATTORNEY



Read the first time in full and on motion by Stein, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Public Works (~~and to the City Plan Commission for recommendation~~) and Public Hearing ~~to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 2-27-73.

Charles W. McIntire  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	_____	_____	_____	_____
HINGA	_____	_____	_____	_____
KRAUS	_____	_____	_____	_____
NUCKOLS	_____	_____	_____	_____
MOSES	_____	_____	_____	_____
SCHMIDT, D.	_____	_____	_____	_____
SCHMIDT, V.	_____	_____	_____	_____
STIER	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

Date: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

# CONTRACT AND BOND

This Agreement, Made and entered into as of the 10th day of

July 1972, by and between

BERCOT, INC.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH. That the party of the first part covenants and agrees to construct

LOCAL SEWER IMPROVEMENT RESOLUTION NO. 853-1971; MODIFIED FOR

ALTERNATE ROUTING

## Branch Sewer

Beginning at an existing chamber located 148 ± L.F. South and 50 ± L.F. West of the Southeast corner of Northeast  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$  of Section 27; thence, turning an interior angle of 63° 52' and project a distance of 220 ± L.F. West; thence, turning South and projecting a distance of 347 feet; thence, turning an angle of 131° 34' South and project a distance of 491 feet; thence, turning an angle of 149° 35' and projecting a distance of 1,174 feet; thence, turning an angle of 156° and projecting a distance of 384 feet terminating at a proposed manhole.

## Lateral #1

Beginning at a new manhole located 28 ± L.F. of the North right of way of Goshen Road (U.S. Hwy. #33); thence, Northwesterly along said North right of way a distance of 3,218 ± L.F. terminating at a proposed manhole.

## Lateral #1-A

Beginning at a new manhole located 36 ± L.F. South of the Northeast corner of the right of way intersection of Harris and Goshen Roads; thence, North along the East right of way of Harris Road a distance of 1,200 ± L.F. terminating at a proposed manhole.

## Lateral #2

Beginning at a new manhole located 27 ± L.F. North and 8 ± L.F. West of the Southwest corner of Lot #1 in Crestwood Addition Amended; thence, turning an angle to the North of 73° and projecting a distance of 450 feet to the right of way of Butler Road; thence, Northeasterly along the South right of way of Butler Road for a distance of 1,034 feet terminating at a proposed manhole.

## Lateral #2-A

Beginning at a new manhole located 15 feet North and 5 feet East of the centerline intersection of Butler Road and Butler Court; thence, Northwesterly along the East right of way of Butler Court a distance of 1,094 ± L.F. terminating at a proposed manhole.

Said sewers shall be 27, 10 and 8 inches in diameter.

All located in the Southwest  $\frac{1}{4}$  Section 27, Township 31 North, Range 12 East.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 10th

day of July 19 72.

BERCOT, INC.

BY: *Paul Bercot*

ITS: *President*

Contractor, party of the first part.

This contract approved by us this 26<sup>th</sup> day of July 19 72

BOARD OF PUBLIC WORKS,  
Party of the second part.

APPROVED AS TO FORM AND LEGALITY:

Mayor

for the Following Prices

8" WCP C-700 "O-Ring"	Eight Dollars and Sixty Five Cents	8.65
10" RCP Cl. IV	Ten Dollars and Forty Five Cents	10.45
27" RCP Cl. II	Twenty Three Dollars & Twenty Cents	23.20
Standard Conc. Manhole 48" Ty. IV	Five Hundred Fifty Five Dollars	555.00
Standard Drop Sewer Pipe 8"	Fifty Dollars	50.00
6" Concrete Curb	Eight Dollars	8.00
6" Concrete Pave. for Drives	Twelve Dollars	12.00
9" Deep Strength Asph. Pave.	Seven Dollars	7.00
4" Asph. Over 6" Stone for Drives	Seven Dollars	7.00
3" Crushed Stone Pave for Drives & Berms	Two Dollars	2.00
Special Gravel Backfill	Four Dollars	4.00
27" RCP Cl. III	Twenty Three Dollars & Sixty Five Cents	23.65
6" Taps T or Y to P.L. (incl. Permit)	Two Hundred Dollars	200.00
#53 Stone for Street Crossing only	Six Dollars	6.00
54" Concrete Manhole Type II	Fifteen Hundred Dollars	1500.00
Seeding & Mulching	Ninety Cents	.90
27" RCP in Steel Liner	Ninety One Dollars	91.00
Asphalt Road Cutter	Ten Dollars	10.00

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 180 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 10th  
day of July 19 72

BERCOT, INC.

BY:

ITS:

Contractor, party of the first part.

This contract approved by us this 26 day of July 19 72

BOARD OF PUBLIC WORKS,  
Party of the second part.

Mayor

The said party of the first part expressly agrees to make the improvements herein specified in/strict accordance with the provisions of LOCAL Improvement Resolution No. 853 and in accordance with the plans, profiles and specifications for the improvement on file in the office of the Department of Public Works of said city. The resolutions, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectually as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 180 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 10th day of July 19 72.

BERCOT, INC.

BY: Paul Bercot

ITS: President

Contractor, party of the first part.

This contract approved by us this 26<sup>th</sup> day of July 19 72.

BOARD OF PUBLIC WORKS,  
Party of the second part.

APPROVED AS TO FORM AND LEGALITY:  
Robert H. Logan  
Associate CITY ATTORNEY

Paul H. Phelan Mayor

# LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we

BERCOT, INC.

as principal and GENERAL INSURANCE COMPANY OF AMERICA, OF SEATTLE,  
WASHINGTON

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of TWO HUNDRED  
AND SIXTY  
SEVENTEEN THOUSAND SEVEN HUNDRED SEVENTY THREE DOLLARS FIVE CENTS (\$ 217,773.65 )

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The condition of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the

day of \_\_\_\_\_, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained, except the warranty and guaranty of the sewer as to the workmanship, material and conditions for the period of Three (3) years, according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law and in the event the said City shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

Witness our hands and seals this 10th day of July 19 72

GENERAL INSURANCE COMPANY OF AMERICA

BERCOT, INC.

(SEAL)

By: H. Stanley Huff

BY: Saul Bercot

(SEAL)

Attorney-in-fact

ITS: President

(SEAL)

(SEAL)

Approved this

26th

day of

July

19

72

Board of Public Works.

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections, 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision - Volume VIII).

# GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we -----

-----BERCOT, INC.----- Contractors

as principal and -----GENERAL INSURANCE COMPANY OF AMERICA OF SEATTLE,  
WASHINGTON-----

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of TWO HUNDRED  
AND SIXTY  
SEVENTEEN THOUSAND SEVEN HUNDRED SEVENTY THREE DOLLARS FIVE CENTS (\$ 217,773.65 )

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs,  
executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said -----

BERCOT, INC.

did on the ----- day of ----- enter into a contract with the City  
of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a sewer in and  
along ----- (For Description See Page 1)

according to certain plans and specifications, and also warranting and guaranteeing the work, material and  
conditions of the sewer as provided in the aforesaid contract, plans and specifications.

Now, if the said -----BERCOT, INC.-----

----- shall faithfully perform and fulfill all the requirements of said war-  
ranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for,  
then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 26<sup>th</sup> day of July 19 72

GENERAL INSURANCE COMPANY OF AMERICA

By: *[Signature]*

Attorney-in-fact

BERCOT, INC. (SEAL)

By: *[Signature]*

(SEAL)

ITS: *[Signature]*

(SEAL)

Approved this

26<sup>th</sup> day of

July 19 72

*[Signature]*  
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE BOARD  
CITY HALL

To Whom It May Concern: Fort Wayne, Ind., 19

The time in which to complete the within contract is hereby extended by the Board of Public Works of the City of Fort Wayne, Indiana, until

Board of Public Works.

DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE BOARD  
CITY HALL

To Whom It May Concern: Fort Wayne, Ind., 19

The time in which to complete the within contract is hereby extended by the Board of Public Works of the City of Fort Wayne, Indiana, until

Board of Public Works.

No. 19  
CONTRACT AND BOND  
of

for

Amount of Bond

Approved: Dollars

Board of Public Works.

Recorded in Contract Record Book No.

Page Recorded in Imp. Res.

Record Book No. Page

Improvement Resolution No. 19

Cost per lineal foot \$

Assessment Roll Approved

Final Estimate Approved





## POWER OF ATTORNEY

No. 2388

KNOW ALL MEN BY THESE PRESENTS:

That General Insurance Company of America, a Washington corporation, does hereby appoint

-----H. STANLEY HUFF, JR. &amp;/or DONALD F. CAMPBELL, Fort Wayne, Indiana-----

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind General Insurance Company of America thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, General Insurance Company of America has executed and attested these presents

this 15 day of December, 19 67.

J. W. D. Hammersla SECRETARY

E. A. Sweeney PRESIDENT

## CERTIFICATE

Extract from the By-Laws of General Insurance Company of America:

"Article VI, Section 13. - FIDELITY AND SURETY BONDS . . . the Chairman of the Board of Directors, the President, any Vice President, and the Secretary shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business.

"The power of appointment granted in this paragraph to the officers enumerated may be exercised by each of them severally, regardless of the availability or unavailability of the other officers enumerated. On any instrument making or evidencing such appointment the signatures may be affixed by facsimile.

"On any instrument conferring such authority or on any bond or undertaking of the company the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

I, W. D. Hammersla, Secretary of General Insurance Company of America, do hereby certify that the foregoing is a true and correct copy of Article VI, Section 13 of the By-Laws of said corporation and of a power of attorney executed pursuant thereto and that both said By-Laws and said power of attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 10th day of July, 19 72.



J. W. D. Hammersla

SECRETARY



# City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Property Owners and Residents Date March 14, 1973  
From City Clerk of Common Council, City of Fort Wayne, Indiana  
Subject Public Committee Hearing - RE: Special Ordinance No. S-73-02-22

COPIES TO:

Neuhaus Ditch Sewer

To: Property Owners Affected

You are hereby notified that on March 20, 1973, at 7:30 P.M., the Common Council of the City of Fort Wayne, Indiana, through the Standing Committee on Public Works will, conduct a hearing proposing an agreement with BERCOOT, INC., for construction of the Neuhaus Ditch Sanitary Sewer, Ordinance BILL NO. S-73-02-22. Said hearing will be conducted in the Common Council Chambers, 1st floor City-County Building.

As a property owner affected by any assessment for payment of said project, you may be heard at said hearing.

Common Council of the City of  
Fort Wayne, Indiana, through  
the Office of the City Clerk,  
Charles W. Westerman



COMMON COUNCIL  
CITY OF FORT WAYNE  
ONE EAST MAIN ST.  
FORT WAYNE, INDIANA 46802

WINFIELD C. MOSES, JR.  
PRESIDENT OF THE CITY COUNCIL &  
COUNCILMAN - FIFTH DISTRICT

April 19, 1973

NEUHAUS SEWER

Problem 1- A City annexed an essentially rural area. No where else INSIDE the City can such a large tract of vacant land be found. For example there is one person on a twenty-two acre tract who is assessed \$19,000.00. The normal urban situation is five residents per acre or over 100 residences on a tract this size. This would result in normal assessment of less than \$200.00 per resident, quite reasonable.

Problem 2- The City cannot disannex this area. We must live with the problem. So if the City wants to develop a rural situation using urban criteria, it is going to be expensive. But it is not realistic to expect the land owners to absorb such high costs. A different formula must be arranged to be equitable. There is no law that mandates assessment formulas. In the area of Wildwood Avenue and Dinnen Avenue, the City paid 75% of the costs of sewer installation last year.

To be equitable, I believe the City is going to have to accept a larger proportion of the entire project. I recognize we have limited funds; however, sometimes we have to pay the piper. If we want to develop such a rural type area, we must accept use of more City funds and therefore, reduction of some other projects.

I would suggest a figure of 80% City participation. Recovery of these funds could be attempted through sewer assessments upon development. In several areas when I hook into a preexisting sewer, I have to pay a per foot assessment. This is possible today since the City would own the mines and is building them in sewer easements. If this is not acceptable to the Board of Works, I suggest we ask that the City participate at its own expense in a greater amount.

Problem 3- A definite sewer problem exists and must be remedied.

Problem 4- If the City does not increase its participation, we are literally throwing several organizations and individuals off their land. I cannot vote to take peoples' homes away from them!

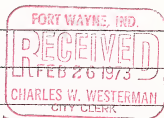
Sincerely,

Winfield C. Moses, Jr.  
Common Council President

DIGEST SHEETTITLE OF ORDINANCE Special Ordinance #3073DEPARTMENT REQUESTING ORDINANCE Board of Public WorksSYNOPSIS OF ORDINANCE Pursuant to discussion during Council briefing February21, 1973, the Board wishes to resubmit the contract of Bercot, Inc. in amount of  
\$217,773.65 for construction of sanitary sewers in the Neuhaus Ditch area.

EFFECT OF PASSAGE \_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (Direct Costs, Expenditures, Savings) city's share of projectis approximately \$ 140,571.65 with balance to be paid by property owners.ASSIGNED TO COMMITTEE (J.N.) Finance  
Public Works  
Public Works

# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	<i>1-73-02-22</i>
ORDINANCE NO.	<i>1-52-73</i>
<input checked="" type="checkbox"/> REGULAR SESSION	<i>2-27-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Yes</i>
BILL WRITTEN BY	<i>Ch. of Public Works</i>
DATE INTRODUCED	<i>2-27-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Chair Public Works</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	<i>5-8-73</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	<i>Council &amp; Board</i>
	ABSTRACTS <i>Board of Attorney</i>
	<i>Liability Bond</i>
	TITLES <i>Quarry Bond</i>
	PRIOR APPROVAL LETTER

*Digit Sheet*

### COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	<i>Y</i>		
HINGA	<i>Y</i>		
KRAUS	<i>Y</i>		
MOSES	<i>Y</i>		
NUCKOLS	<i>Y</i>		
D. SCHMIDT	<i>Y</i>		
V. SCHMIDT	<i>X</i>		
STIER	<i>X</i>		
TALARICO	<i>X</i>		

COMMENTS: *Hold*

*no - no action  
amended - ordinance  
"Exhibit A"  
Letter to James Stein*